

REMARKS/DISCUSSION OF ISSUES

By this Amendment, Applicants amend claims 1-4 and 6-15, and add new claims 16-17. Accordingly, claims 1-17 are pending in the application.

RESPONSE TO ELECTION REQUIREMENT

In response to the election of species requirement, Applicants elect Species 5, as shown in FIG. 2E. This election is **with traverse** for at least the reasons set forth below.

Applicants respectfully submit that claims 1, 14 and 15 are generic to all of the identified species, and that claims 11, 16 and 17 read on the elected species.

The Office Action insists upon the election by stating that: "*The technical features of each species as indicated above are not required and present in the other species.*" The Office Action cites nothing in the law or PTO rules in support of this requirement.

Applicants respectfully submit that this is not the test for unity of invention.

Applicants respectfully submit that the test for unity of invention is whether there is a technical relationship among the species that involves at least one common or corresponding special technical feature (see M.P.E.P. § 1893.03(d)).

Here, all of the species include a corresponding special technical feature which suppresses the output of light at the second display pixel reflected at the second reflective electrode, which light originates from light incident from at least the first display pixel and/or the substrate. Therefore, Applicants respectfully submit that there is unity of invention among the various species.

Accordingly, Applicants respectfully request that the election requirement be withdrawn, and that all of the pending claims be examined at this time.

CONCLUSION

In view of the foregoing explanations, Applicants respectfully request that the Examiner reconsider and reexamine the present application, allow claims 1-17 and pass the application to issue. In the event that there are any outstanding matters

remaining in the present application, the Examiner is invited to contact Kenneth D. Springer (Reg. No. 39,843) at (571) 283.0720 to discuss these matters.

Respectfully submitted,

VOLENTINE & WHITT



By: _____

Kenneth D. Springer
Registration No. 39,843

VOLENTINE & WHITT
One Freedom Square
11951 Freedom Drive, Suite 1260
Reston, Virginia 20190
Telephone No.: (571) 283.0724
Facsimile No.: (571) 283.0740